

- Appn. No. 08/452,658
- Response dated October 29, 2008
- Response to Office Action dated August 14, 2008

REMARKS

Amendments to the Claims

Applicant has amended claim 31. Upon entry of this amendment, claims 31, 33 and 34 will be pending in this application.

Applicant has amended claim 31 to specify that the DNA sequences of the claims are capable of hybridizing to any of the recited DNA inserts under hybridizing conditions of 0.75 M NaCl at 68°C and washing conditions of 0.3 M NaCl at 68°C. This amendment is supported in the application as filed. *See, e.g.*, page 46, lines 7-22 and page 46, line 35 to page 47, line 10. Indeed, under these conditions, the recited DNA inserts of HFIF1, 3, 6 and 7 hybridized to the DNA insert of HFIF1. *See*, page 46, lines 23-27. Applicant requests entry of this amendment.

This amendment does not introduce new matter.

Provisional Double Patenting

Claims 31, 33 and 34

Claims 31, 33 and 34 stand provisionally rejected under the judicially-created doctrine of obviousness-type double patenting as being unpatentable over claim 37 of copending U.S. Application 08/253,843 and claims 31, 33 and 34 of copending U.S. Application 08/449,930.

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Applicant requests that this provisional rejection be held in abeyance until one or more of this application, copending application 08/253,843 or copending application 08/449,930 are allowed. At that time, applicant will file a Terminal Disclaimer as is appropriate and proper.

Conclusion

For all of the reasons set forth herein, applicant respectfully requests that all of the pending claims be allowed.

Respectfully submitted,

Connie Wong

James F. Haley, Jr. (Reg. No. 27,794)
Connie Wong (Reg. No. 62,901)
Attorneys for Applicant
c/o ROPES & GRAY LLP
Customer No. 1473
1211 Avenue of the Americas
New York, NY 10036
Tel.: (212) 596-9000
Fax : (212) 596-9090